

REMARKS

Claims 1, 11 and 12 stand rejected under 35 USC 112, second paragraph, as being indefinite.

The Examiner states:

Applicant's claims have limitation: "wherein transmitting the image data with the sending station address and not the optional sender address when the optional sender address is not set up in place of the sending station address," which is a negative limitation that rendered the claims indefinite (See MPEP 2173.05 (i) Negative Limitations section).

The Examiner mistakenly appears to believe that the presence of a negative limitation in a claim renders a claim per se indefinite. This is incorrect. In fact the first two sentences of MPEP 2173.05 (i), which is cited by the Examiner, states "The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph." Accordingly, since as stated by the MPEP and the courts, these limitations comply with 35 U.S.C. 112, second paragraph, this rejection should be withdrawn.

Claims 1-15 stand rejected under 35 USC 103(a) as being unpatentable over Itoh (U.S. Patent Publication No. 2001/0021037) and the partial translation of JP2000-215124 (JP '124). Applicants respectfully traverse this rejection.

In response to the amendment filed August 19, 2009, the Examiner states:

... As detailed in below rejection, Partial Translation of JP 2000- 215124 (hereinafter Partial) clearly teach or suggests as shown in (paragraphs [0039, 0045, 0053-0055], also figures 10, 1, 11, 17 and the details associated), wherein choosing the destination from the destination list in the embodiment is shown in figure 17. First, the destination list button of the panel section 7 is pushed at step s81 and the sender's 10 is inputted at and step s82, the destination list registered by email will displayed on the panel section 7... transmitted to the destination ,(steps s85-s87) etc. Partial further goes on to explain registering the sender's 10 and the sending station address is carried out making them correspond to each other at step s75 in figure 16. (see paragraphs [0055-0057]). The breadth of the claims allows for such an

interpretation. Applicant employs broad language which includes the use of words and phrases which have broad meaning in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breath allows multiple interpretations and meaning which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly as reasonably possible, in determining patentability of the disclosed invention.

Independent claims 1, 11, and 12 have been amended for clarity as requested by the Examiner. As discussed below, applicants believe the claims as amended are patentably distinct from the prior art. However, if for some reasons, the Examiner still believes the claim language is too broad and/or ambiguous and can be interpreted differently, the Examiner is requested to point out which specific words are broad and ambiguous and why they are broad and ambiguous.

The claims have been amended to replace the recitation of "sender address" with "sender e-mail address." This change was made to clarify the difference between a "sender e-mail address" and a "station address." Further, the claims have been amended to recite "an input accepting section for accepting input by a user to designate a sender e-mail address which is distinct from a sending station address specifying the network scanner device;" and "a second setting section for setting up the inputted sender e-mail address in place of the sending station address when the sender e-mail address is inputted via the input accepting section." Accordingly, the claims specify that a sender email-address inputted by a user is added to the image data in place of the sending station address when the sender e-mail address is inputted.

The Examiner compares the claimed "second setting section" with Itoh's disclosure of a "transmission portion" that transmits the IP address of a sending station, as described in paragraphs [0020], [0059], and [0146]. (See, Office Action, paragraph 6) This comparison is improper.

Unlike the claimed second setting section, Itoh's transmission portion does not set up *the inputted sender address representing a user* in place of a sending station address. Rather, Itoh's transmission portion merely transmits an IP address of a "sender," meaning the IP address of the

sending station. (See Itoh, paragraph [0158], “the IP address and the local IP address of the network scanner apparatus 100 set in the operation portion 1 by the user are stored [in] a head portion of the IP packet.”) Because Itoh’s transmission portion does not set up an inputted sender e-mail address in place of a sending address, as required by claim 1, the rejection of claim 1 should be withdrawn.

The Examiner also compares the claimed “second setting section” with the disclosure in JP ‘124 of an e-mail address input by a user as a “sending station address.” (See Office Action, paragraph 8) This comparison is also improper.

Unlike the claimed “sender e-mail address,” which is inputted by a user and set up by the claimed “second setting section” *in place of* a sending station address, the e-mail address in JP ‘124 is set up *as* the sending station address. (See JP ‘124, paragraph [0039], “An e-mail address of a PC or a WS, which is usually provided at a sender’s seat, is inputted as a sending station address.”) In other words, in JP ‘124 there is no substitution of an inputted sender e-mail address in place of a sending station address, as required by the claim, because the e-mail *is* the sending station address. Because JP ‘124 fails to disclose setting up an inputted sender e-mail address in place of a sending station address, as required by claim 1, JP ‘124 fails to cure the defects in Itoh. Accordingly, the rejection of claim 1 should be withdrawn.

In view of the foregoing, applicants solicit an early action allowing the claims. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **204552031700**.

Dated: March 2, 2010

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